

330 CMR 7.00: FAIRS

Section

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7.01: General

(1) No fair, exhibition, show, or exposition, the primary purpose of which is the promotion of agriculture, agribusiness, and farming as defined in M.G.L. c. 128A, § 1, shall be eligible to receive monies from the Department of Food and Agriculture unless it is subject to inspection and approval by the Department and includes competitive exhibits listed in of M.G.L. c. 128, § 2(f).

(a) M.G.L. c. 128, § 1 as referred to in 330 CMR 7.01(1) reads as follows:

"State or County Fair" shall mean an agricultural fair or exhibition, the main purpose of which is the encouragement, improvement and extension of agriculture by competitive exhibits of agricultural products including exhibits described in M.G.L. c. 128, § 2(f), and of various types of livestock, with youth participation therein, and display of agricultural machinery, implements and other improvements, of interest to dairy and produce farmers and horticulturists.

(b) M.G.L. c. 128, § 2(f) referred to in 330 CMR 7.01(1) reads as follows:

The Department through its proper divisions, shall have power to offer prizes for and conduct exhibits of flowers, fruit, vegetables, grasses, grains, or other farm crops, dairy products, honey, horses, breeding ponies, cattle, sheep, swine, poultry, poultry products, farm operations, and canned and dried fruits and vegetables, and offer prizes for, and in aid of, the elimination and suppression of insect pests.

(2) The Department may also offer prizes for, and in aid of, such agriculturally related youth programs as the Commissioner may deem approved.

7.02: Application for and Allocation of Prize Money

(1) Any such fair shall be eligible to apply for and receive State prize money from the Department.

(2) All applicants for State prize money shall be made in writing to the Director of the Division of Fairs in the Massachusetts Department of Food and Agriculture on or before February 1st of each year.

(3) Money will be allotted by the Department at its discretion and the Department reserves the right to cancel part or all of any allotment to any fair which fails to comply with 330 CMR 7.00.

(4) No amount less than one dollar shall be paid by the Department. Lesser premiums will be combined and will be paid, in cases where the total winnings of any one exhibitor totals or exceeds \$1.00.

(5) Premiums will be paid only to residents of Massachusetts.

(6) Prize money shall be paid by check direct to the premium winners, except with prior approval by the Division, reimbursement to the fair or show, is acceptable after positive proof of payment has been made to the individual exhibitor in an approved class. Prize money will not be paid or reimbursed to any person purporting to represent any group of prize winners.

(7) Prizes for boys' and girls' exhibits will be paid only to those between the ages of nine and 20 as of January first of the current year.

7.02: continued

(8) Societies wishing to avail themselves of the State's offer shall submit to the Department a copy of proof of premium list at least one month before the show for approval.

(9) The words "Massachusetts Department of Food and Agriculture Cooperating" shall appear prominently on the outside front page of such list and the words, "Massachusetts Department of Food and Agriculture has allotted agricultural prize money not to exceed ____ dollars for the premiums awarded on this list." shall appear on one of the inner pages. Fairs receiving assistance monies from the rehabilitation fund shall print prominently on the outside the words "This fair has received assistance monies for rehabilitation purposes from the Massachusetts Department of Food and Agriculture."

(10) Societies at whose exhibitions money is offered by the Department, shall return to the Department, within 21 days after their show, a list, on forms to be supplied by or approved by the Department, giving the names of the winners, the article on which each prize was won, the rating and amount of premium which was awarded, and the address of the winners.

(11) No prize money will be paid for any exhibit not listed for open competition in the premium list and evidence that any classes are limited to one exhibitor by arrangement of the fair management for the purpose of eliminating competition will automatically disqualify said exhibitor for all State awards at said fair.

(12) Societies receiving prize money shall follow the standard premium list, a copy of which may be obtained from the Division of Fairs of the Massachusetts Department of Food and Agriculture.

(13) All exhibits must be properly identified including livestock.

(14) Prize money shall be awarded for cattle meeting all requirements of the Division of Animal Health of the Massachusetts Department of Food and Agriculture.

(15) Prize money may be offered for any varieties of fruit grown in Massachusetts.

(16) Prize money will be paid for all breeds accepted by the American Poultry Association included in the "standard of perfection" (with the exception of Bantams and ornamental fowl) in the following classes:

- (a) Cock;
- (b) Hen;
- (c) Cockerel;
- (d) pullet;
- (e) Trio (two females, one male) the same to be all of one season's hatch.

Prize money may also be awarded for cross-breeding poultry with classes of production pullets, production hens, meat type females and meat type males. Prize money may also be awarded for ducks, turkeys, geese, dressed poultry and eggs. No prize money will be paid for pigeons. All poultry shown at poultry shows and fairs with the exception of capons must be blood tested and have a pullorum-typhoid passed or clean identification. All poultry must be examined by veterinarians or poultry inspectors of the Massachusetts Department of Food and Agriculture for clinical symptoms of disease. The test sheet shall be made out in full and a copy to be left with the owner. This sheet shall have the breed and band numbers clearly marked. This sheet shall be shown to the inspector at the time the birds are inspected before being caged. Any person bringing another exhibitor's birds shall have such exhibitor's blood test sheet.

(17) Prize money will be paid on youth exhibits of cooked foods and other educational exhibits as may be determined by the Department.

(18) No prize money will be paid for clothing, arts and crafts or agricultural oddities.

7.03: Promotional Activity and Rental of Tents

(1) Promotional activities under of M.G.L. c. 128, § 2(b) on a commodity by commodity approach of our agricultural industry for the purpose of increasing the consumption of Massachusetts agricultural products and to strengthen the agricultural fairs of the State will be carried out whenever funds are available. M.G.L. c. 128, § 2(b) referred to herein reads as follows: "The Department through its proper divisions shall have power to aid in the promotion and development in the agricultural resources of the Commonwealth and the improvement of conditions of rural life, the settlement of farms and the distribution of the supply of farm labor."

(2) Subject to appropriation, money may be allotted for the purpose of rental of tents for agricultural exhibits at fairs. Said appropriation shall be equal to a uniform percentage based on prize money received from the Department the previous year.

7.04: Categories of Fairs

Fairs, exhibitions, shows or expositions shall fall into one of the five following categories: Major fairs, Community fairs, Grange fairs, Youth fairs, and Shows.

(1) Major Fairs. A major fair shall be sponsored and conducted by an organized agricultural or horticultural society or association which shall be incorporated under the Laws of the Commonwealth. The prime purpose of said corporation shall be the promotion of agriculture and horticulture. It shall be in operation annually for at least three consecutive days, and be supervised, inspected and approved by the Department. It shall include competitive exhibits of at least a majority of the exhibits described in M.G.L. c. 128, § 2(f).

(2) Community Fairs. A community fair shall be sponsored and conducted by an organized agricultural or horticultural society, or an association whose prime purpose is the promotion of agriculture and horticulture and its allied industries. It shall be in operation for at least one day for a period of at least five hours, and inspected and approved by the Department of Food and Agriculture. It shall include competitive exhibits from such items as described in of M.G.L. c. 128, § 2(f).

(3) Grange Fairs. A grange fair shall be sponsored and conducted by local grange organizations whose prime purpose is the promotion of agriculture and horticulture and its allied industries, and shall be in operation for at least one day and for a period of at least five hours, and shall be inspected and approved by the Department of Food and Agriculture. It shall include competitive exhibits from such items as described in M.G.L. c. 128, § 2(f).

(4) Youth Fairs. A youth fair shall be sponsored and conducted by an organized youth group whose prime purpose is the promotion of agriculture and horticulture and its allied industries, and must be in operation for at least one day and for a period of at least five hours and shall be inspected and approved by the Department of Food and Agriculture. It shall include competitive exhibits from such items as described in M.G.L. c. 128, § 2(f).

(5) Shows. A show shall be sponsored and conducted by an agricultural society or association whose prime purpose is the promotion of horticulture, floriculture, livestock or any other agricultural product. It shall be in operation for at least one day and for a period of at least five hours and inspected and approved by the Department of Food and Agriculture. It shall include competitive exhibits of such items as described in of M.G.L. c. 128, § 2(f), as pertinent to the society or association.

7.05: Operational Rules

(1) Horse or dog racing meetings shall not be conducted except in connection with a major fair.

7.05: continued

(2) Fairs operating for one day only must keep all exhibits intact and on display for the benefit of the general public for not less than five hours and those hours must be designated in the premium list and in all publicity relating to said fair.

(3) Major fairs receiving allotments of prize money shall annually submit to the Department on or before December 15th such financial statement as may be required on forms to be furnished by the Department. All other agricultural societies, associations and organizations receiving the same shall submit forms with premium return blanks. In addition, all records of any fair, exhibition, show or exposition shall be subject to inspection by the Department or its duly authorized agents.

(4) At fairs where admission is charged, not less than five tickets of admission shall be mailed or otherwise made available to the Department not less than one week prior to the opening thereof. Parking spaces and accommodations for the purpose of conducting official business shall be made available to employees of the Department.

(5) The director of division of fairs shall be charged with the duty of supervising, inspecting and approving all fairs, and of enforcing all rules and regulations relating to the inspection of fairs, and the conditions under which such fairs shall be conducted.

(6) Any individual, firm or corporation found guilty of administering drugs which may affect the conduct, actions, endurances, strength, speed or performance of any animal competing in any pulling competition within the Commonwealth of Massachusetts, shall forfeit all prize monies won that day and shall be barred from any pulling competition for the next calendar year. Second offenders shall be punished by forfeiture of prize monies and the individual, firm or corporation shall be barred for life in any pulling competition held in the Commonwealth of Massachusetts.

(7) Any person who desires to hold or conduct a horse or dog racing meeting in connection with a major fair shall on or before September 1st. of the year preceeding such horse or dog racing meeting is to be held, shall make an application for a certificate of approval to the department. Such application shall state the full name of the fair, the street and town where located, the days and dates and the hours on which said fair will be open to the public. The application shall include the business address of the corporation, the date of incorporation, the date of the last annual meeting, a list of principal officers of the fair, including the president, treasurer, secretary, board of directors and others, their compensation, and the full name of the secretary or managers of the fair and his business address. It shall, also include a copy of the annual returns as required by M.G.L. c. 180, § 26A, and answers to such other questions as the Commissioner and the Board of Agriculture may prescribe.

(8) The Commissioner and the Board of Agriculture shall have full discretion in determining whether such major fair is a properly qualified fair to conduct a horse or dog racing meeting, as provided in M.G.L. c. 128A, § 3, and the Commissioner and the Board of Agriculture shall grant or refuse such certificate of approval not later than the 1st day of October.

(9) Decisions of the Department of Food and Agriculture shall be final.

REGULATORY AUTHORITY

330 CMR 7.00: M.G.L. c. 128, § 2(4); c. 128A, § 1.